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10 Attorneys for Defendant
 NATIONAL TOBACCO COMPANY, LP

11
 12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN FRANCISCO DIVISION
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16 RAYMOND RILEY p.k.a. Boots Riley,
 SOLOMON DAVID and MARLON IRVING
 17 p.k.a. Lifesavas,

18 Plaintiffs,

19 v.

20 NATIONAL TOBACCO COMPANY LP,

21 Defendant.
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Case No. C-08-01931 JSW

**REPLY DECLARATION OF WINIFRED
 CHANE IN SUPPORT OF MOTION TO
 DISMISS, STAY OR TRANSFER BY
 DEFENDANT NATIONAL TOBACCO
 COMPANY**

Date: June 20, 2008
 Time: 9:00 a.m.
 Courtroom: 2, 17th Floor
 Before: The Honorable Jeffrey S. White

[FILED VIA E-FILING]

1 I, Winifred Chane, declare as follows:

2 1. I am Director of Marketing of The CMJ Network, Inc. ("CMJ"), which acts as an
3 agent for defendant National Tobacco Company, L.P. ("NTC") and runs NTC's Zig-Zag® Live
4 ("ZigZagLive") promotions. I have personal knowledge of the matters set forth herein, and, if called
5 as a witness, I could and would testify competently thereto.

6 2. As stated in my previous declaration, I attended ZigZagLive-sponsored shows in New
7 York, New York and Boston, Massachusetts in November 2007 at which the band Galactic featuring
8 Boots Riley and Lifesavas performed.

9 3. I understand that Plaintiffs Boots Riley and Lifesavas contend that they were unaware
10 until recently that their names and likenesses were being used in connection with ZigZagLive, and
11 that they would not consent to such use. But I spoke with Plaintiffs Boots Riley and Lifesavas at the
12 Boston show and told them that ZigZagLive would like them to sign posters bearing the ZigZagLive
13 logo, and that the posters would be given out to winning entrants who provided their e-mail
14 addresses to ZigZagLive and then replied to the ZigZagLive internet marketing e-mail. Exhibits A
15 and B hereto are true copies of posters signed by Boots Riley and Lifesavas, respectively.

16 4. Not only did I tell Plaintiffs that the posters they were providing would be given away
17 through ZigZagLive internet marketing, I did so while standing by the ZigZagLive promotional
18 table. Exhibit C hereto is a true copy of a photograph of a member of Lifesavas signing posters with
19 the ZigZagLive logo at the promotional table at the Boston show. The list visible in the foreground
20 is the ZigZagLive internet marketing e-mail promotion to which I refer in the previous paragraph.

21 5. Exhibits D and E hereto are true copies of a photograph of the other member of
22 Lifesavas at the ZigZagLive table at the Boston show.

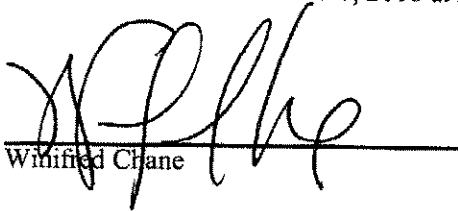
23 6. As stated in my previous declaration, I also gave out Zig-Zag® branded merchandise
24 to Plaintiffs while they were at the table. Plaintiffs, including both Boots Riley and Lifesavas, told
25 me that they thought ZigZagLive was a good sponsor for the shows and were very enthusiastic about
26 the promotion, spending a significant amount of time at the ZigZagLive table and signing a lot of
27 posters.

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1 7. Plaintiff Boots Riley asked for the ZigZagLive guitar visible in the photos and
2 referenced in my previous declaration at the Boston show. He asserted the fact that he was playing
3 on the tour as a good reason to give him the guitar.

4 8. Accordingly, it is not credible to me that Plaintiffs claim that they did not approve of
5 ZigZagLive using their names and likenesses or that they only "discovered" ZigZagLive's use of
6 their names and likenesses in 2008.

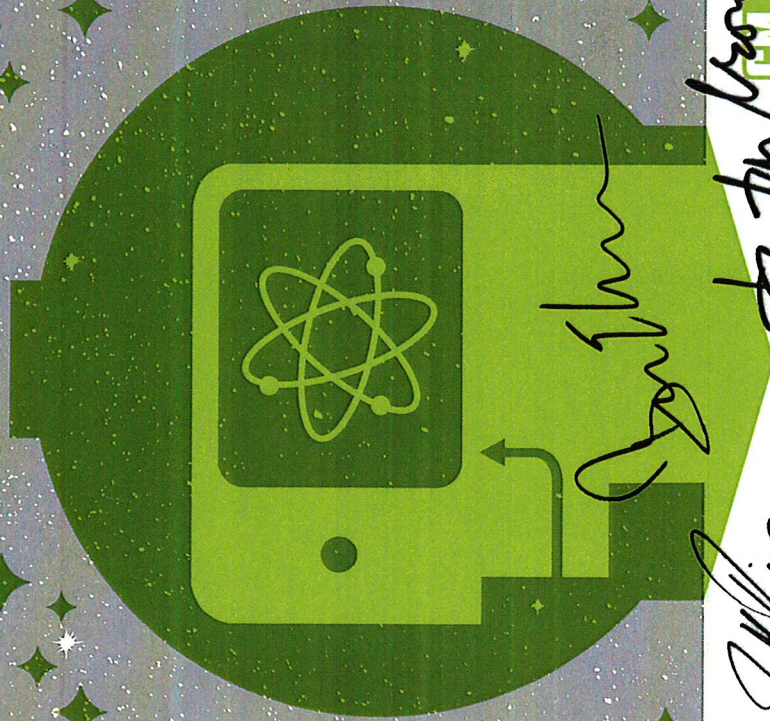
7 I declare under penalty of perjury under the laws of the United States of America that the
8 foregoing is true and correct and that this declaration was executed on June 6, 2008 at New York,
9 New York.

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12 Winifred Chane
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GALACTIC

WITH MR. LIF AND BOOTS RILEY (OF THE COUP) & LIFSAVAS

Mr. Lif
Boots Riley
Mr. Lif
Boots Riley



Mr. Lif

Boots Riley



11.02.07 • GEORGIA THEATRE • ATHENS, GA 11.06.07 • THE LINCOLN THEATRE • RALEIGH, NC 11.17.2007 • ROSELAND BALLROOM • NEW YORK, NY 11.18.07 • PARADISE ROCK CLUB • BOSTON, MA • PLUS SPECIAL GUEST CHALI 2NA (OF JURASSIC 5)

